

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	No. 06-51 ME
)	
)	
MARJORIE DIEHL-ARMSTRONG)	

EMERGENCY MOTION FOR GAG ORDER

AND NOW, comes the defendant, Marjorie Diehl-Armstrong, by her attorney, Thomas W. Patton, Assistant Federal Public Defender, and moves this Honorable Court for an issuance of a Gag Order. In support of this motion, counsel states:

1. The defendant, Marjorie Diehl-Armstrong, has been questioned in regard to the Brian Wells bank robbery/collar bombing case, which occurred on August 28, 2003, and the Office of the Federal Public Defender has been appointed to represent Ms. Diehl-Armstrong in this matter.

2. Ms. Diehl-Armstrong has not yet been charged, however, it is anticipated that an indictment will be forthcoming shortly.

3. This case has attracted an extraordinary amount of media coverage. Numerous articles have appeared in various

newspapers, including *Erie Times News*, *Pittsburgh Post-Gazette*, and *USA Today*, just to name a few. In fact, more than 150 articles have appeared in the *Erie Times News* alone. GoErie.com even has a website directed solely to the Brian Wells case. The story has also aired on television shows such as *America's Most Wanted* and *Geraldo Rivera*.

4. Upon information and belief the U.S. Attorney's Office for the Western District of Pennsylvania is planning a press conference to announce the indictment of Ms. Diehl-Armstrong. Due to the extensive media coverage that has occurred to date, it is reasonable to conclude that any press conference would be heavily reported on in the media.

5. Ms. Diehl-Armstrong submits that any public discussion of any forthcoming indictment would prejudice the potential jury pool in this case.

6. Counsel for Ms. Diehl-Armstrong submits that any comments from the parties to the media regarding this matter will serve no purpose and in fact will taint the potential jury pool making it impossible for Ms. Diehl-Armstrong to have a fair trial in this matter. See United States v. Davis, 904 F.Supp. 564 (1995).

7. Accordingly, counsel for Ms. Diehl-Armstrong requests the issuance of a gag order in this matter ordering that both parties do not comment to the media on this case until after the disposition of this matter.

WHEREFORE, it is respectfully requested that this Honorable Court issue a gag order directing all parties not to speak to the media pending completion of any trial.

Respectfully submitted,

/s/Thomas W. Patton
Thomas W. Patton
Assistant Federal Public Defender
Attorney I.D. No. 88653